IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 9TH AUGUST 2006 / 18TH SRAVANA 1928

WP(C).No. 21151 of 2006(R)

PETITIONER:

RENCHU R., W/O. P. SURESH,
MAMKOOTTATHIL HOUSE, MEZHUVELY,
PATHANAMTHITTA.

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, DEPARTMENT OF
GENERAL EDUCATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. DIRECTOR OF PUBLIC INSTRUCTIONS,
OFFICE OF LTHE DIRECTOR OF PUBLIC
INSTRUCTIONS, THIRUVANANTHAPURAM.

3. DEPUTY DIRECTOR OF EDUCATION,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
PATHANAMTHITTA AT THIRUVALLA.

4. DISTRICT EDUCATIONAL OFFICER,
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
THIRUVALLA.

5. CORPORATE MANAGER,
S.N. TRUST SCHOOLS, KOLLAM.

BY GOVT.PLEADER SMT.D.P.RENU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/08/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No. 21151 of 2006-R

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Dated this the 9th day of August, 2006.

J U D G M E N T

Petitioner was appointed as High School Assistant (Mathematics) in the school under the management of respondent No.5 in the vacancy created due to promotion of the incumbent Teacher-in-Charge. The appointment of the petitioner was not approved on the ground that the promotion and appointment of the Teacher-in-charge was not yet approved. Learned counsel submits that subsequently viz., on March 5, 2005 the promotion of the Teacher-in-charge was approved with retrospective effect and therefore there is no legal impediment now in approving the appointment of the petitioner. Anyhow, I do not propose to deal with the above and other contentions raised by the petitioner in this writ petition at this stage, since the petitioner has already preferred a revision petition (Ext.P4) before the Government challenging the order refusing approval of appointment by the educational authority. It is also brought to my notice that petitioner has also submitted Ext.P5 before respondent No.1 requesting to take expeditious decision in the matter. Learned counsel submits that petitioner would be satisfied if an appropriate direction is issued to the revisional authority to consider and pass orders on Exts.P4 and P5 expeditiously.

2. Learned Government Pleader submits that an appropriate decision on Exts.P4 and P5 will be taken if they have been preferred as contended by the petitioner.

In the above facts and circumstances the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Exts.P4 and P5 strictly on their merit and in accordance with law as expeditiously as possible at any rate within three months from the date of receipt of a copy of this judgment. Respondent No.1 shall afford sufficient opportunity to the petitioner and the Manager to be heard before any decision is taken. If it is found by the Government that petitioner's appointment is liable to be approved, appropriate consequential orders shall also be passed in accordance with law.

A.K. Basheer
Judge.

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